

Docket No. JBP 461

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John Kung, et al.

Serial No. : 09/361,425

Art Unit: 1653

Filed : July 27, 1999

Examiner: Chih Min Kam

For : COMPOSITIONS FOR STABILIZING OXYGEN-LABILE SPECIES

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January 20, 2004

(Date of Deposit)

Andrea L. Colby

(Name of applicant, assignee, or Registered Representative)

*Andrea L. Colby*

(Signature)

January 20, 2004

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached);  
or
- ☐ Please charge Deposit Account No. 10-  
0750/ / the fee of \$180.00 as set forth in  
§1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached);  
or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in \$1.17(p).

☐ In accordance with \$1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with \$1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☒ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☐ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage

under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

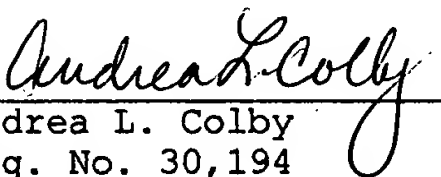
☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/JBP461/ALC. This form is submitted in triplicate.

Respectfully submitted,

  
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Attorney for Applicants

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DATED: January 20, 2004



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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Application Number	09/361,425
Filing Date	07-27-1999
First Named Inventor	Kung, John et al
Group Art Unit	1653
Examiner Name	Chih Min Kam
Attorney Docket Number	JBP0461

### U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		5,703,041		Afriat et al	12-30-1997	
		5,583,136		Yusuf et al.	12-10-1996	
		5,484,816		Yanagida et al	01-16-1996	
		5,431,913		Phillips	07-11-1995	
		5,350,773		Schweikert et al.	09-27-1994	
		5,153,230		Jaffery	10-06-1992	
		5,114,716		N'Guyen et al.	05-19-1992	
		5,078,989		Ando et al.	01-07-1992	
		4,954,332		Bissett et al.	09-04-1990	
		4,826,828		Wilmott et al.	05-02-1989	
		4,711,894		Wenzel et al.	12-08-1987	
		5,023,235		N'Guyen et al.	06-11-1991	

### FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		WO	98/17246		ROC	04-30-1998		
		WO	98/02138		Industria E Comercio de Cosmeticos Natura Ltda.	01-22-1998		
		WO	98/01107		Industria E Comercio de Cosmeticos Natura Ltda.	01-15-1998		
		WO	87/07838		Societe Bio Serae Sarl	12-30-1987		
		EP	0661037	A1	L'oreal	12-16-1994		
		JP	8333260	A	Kaminomoto Honpo: KK;	12-17-1996		
		JP	8059450	A	Kose Corp	03-05-1996		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. <sup>6</sup> If possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 2

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		JP	804824	A	Nonogawa Shoji KK;	02-13-1996		
		JP	7196529	A	Morinaga Milk Ind Co Ltd;	08-01-1995		
		JP	7196527	A	Morinaga Milk Ind Co Ltd;	08-01-1995		
		FR	2685202	A1	Sederma SA (FR);	06-25-1993		
		FR	2641696	A2	Sederma SA (FR)	07-20-1990		
		FR	2596986	A1	Sederma SA (FR);	10-16-1987		

Examiner Signature		Date Considered	
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